

**REMARKS**

The Office Action mailed May 23, 2008 has been reviewed and reconsideration of the above-identified application in view of the following remarks and amendments to the claims, if any, is respectfully requested

Claims 1, 3-8 and 10-18 are pending and stand rejected.

Claims 1, 4, 8, 15 and 17 have been amended.

Claims 8-14 and 17-18 stand rejected under 35 USC 101 as allegedly being directed to non-statutory subject matter.

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims as being directed to non-statutory subject matter.

Each of claims 8 and 17 refer to "communication means for ..." which is comparable to conventional claim recitation with regard to "means plus function" language pursuant to 35 USC 112, sixth paragraph. In addition, the specification provides explicit recitation regarding the type of communication means contemplated (see page 5, lines 9-11, "[c]ommunication means arranged to download at least one machine readable description of a web server," and Figure 2, with discloses a DAB receiver that sends a standard USSI query (see page 4, lines 26-27)).

In addition, the communication means recited performs, in claim 1, two different interrelated functions; queing and identifying, and, thus, does not recite nonfunctional descriptive material, as the queing operation performs a necessary function to obtain information and the identifying operation identifies the obtained information. Hence, the communication means recited performs an operations that produces a concrete, useful and tangible result.

Applicant submits the specification and the claims provide sufficient information to enable one skilled in the art to practice the invention claimed and that there is sufficient structurally recitation within the specification to show that the communication means is not directed to non-statutory subject matter, as is alleged.

In accordance with the reasons for the rejection, the accepted presentation of subject matter in "means plus function" claim language would be rendered moot, which

cannot be the purpose of MPEP 2106 to nullify the language in the Patent Law pursuant to 35 USC 112, sixth paragraph.

For the above remarks, applicant submits that the reason for the rejection has been overcome.

Claims 1, 3, 6-8, 10, 13 and 14 stand rejected under 35 USC 103(a) as being unpatentable over Nykanen (USPPA 2002/0174117) in view of Salmenkaita (USPPA 2002/0188589).

In maintaining the rejection of the claims, the Office Action argues that the transformation of a manual process into an automatic process does not distinguish the claimed invention from the prior art. Thus, the Office Action maintains that Nykanen discloses a method for automatically discovering web services comprising the querying, identifying and downloading elements recited in the claim 1, for example, and further acknowledges that Nykanen fails to explicitly disclose the limitation of querying the UDDI server without user intervention. The Office Action refers to Salmenkaita for teaching the query is sent without user intervention.

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, the independent claims have been further amended to recite that the query includes at least one taxonomy from a set of taxonomies as a search criterion, said taxonomy providing further categorization of information associated with selected web services. No new matter has been added. Support for the amendment may be found at least on page 9, lines 25-29.

In maintaining the rejection of the claims the Office Action refers to Salmenkaita for teaching non-user intervention with regard to Figure 3A wherein "the user's device 100 is programmed to automatically get the current context state 111 from the context inference engine 136 and to select an appropriate activity from the history log 110.

In this case Salmenkaita teaches that a combination of current context (which is referred to as the current environment) and a history log to determine a context-activity pair to be transmitted.

However, Salmenkaita fails to consider, in this automatic mode, the additional elements with regard to the query including at least one taxonomy from a set of

taxonomies as a search criterion, said taxonomy providing further categorization of information associated with selected web services. Nowhere does Salmenkaita disclose this refinement of the query regarding further categorization of the information associated with selected web services. Salmenkaita is silent with regard to such refinement being available in the history file.

In addition, neither Nykanen nor Salmenkaita provide any teaching regarding the UDDI having a format that would allow a taxonomy to be included within the UDDI request message that represents further categorization of the information of selected web sites.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met,

1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings, 2. there must be a reasonable expectation of success; and 3. the prior art reference must teach or suggest all the claim limitations.

In this case, a *prima facie* case of obviousness has not been made as each of the elements recited in the claims is not disclosed by the combination of Nykanen and Salmenkaita.

For the amendments made to the independent claims and for the remarks made herein, applicant submits that the combination of Nykanen and Salmenkaita to include all the elements recited in the claims. Accordingly, the subject matter recited in the independent claims is not rendered obvious as the reason for the rejection of the independent claims has been overcome.

Applicant respectfully requests that the rejection be withdrawn and the independent claims allowed.

With regard to the rejection of the remaining claims, each of these claims depends from the independent claim and, hence, is not rendered obvious by the combination of the

combination of Nykanen and Salmenkaita for at least their dependency upon an allowable base claim.

Claims 4, 5, 11, and 12 stand rejected under 35 USC 103(a) as being unpatentable over Nykanen in view of Salmenkaita and further in view of Qian (USPPA 2003/0061206).

With regard to the rejection of the aforementioned claims, each of these claims depends from one of the independent claims, which have been shown to include subject matter not disclosed by Nykanen and Salmenkaita. Qian disclose the element of TV anywhere service, but fails to provide any teaching regarding the UDDI format to include a taxonomy providing further categorization of information associated with selected web services, as is recited in the claims.

Accordingly, the combination of each of the references fails to disclose all the elements recited in the aforementioned claims.

Claims 15-18 stand rejected under 35 USC 103(a) as being unpatentable over Nykanen in view of Salmenkaita and further in view of Qian (USPPA 2003/0061206).

With regard to the rejection of independent claim 15, applicant submits that claim 15 has been amended to recite subject matter similar to that recited in claim 1 and, hence, includes subject matter that has been shown to not be disclosed by the combination of Nykanen and Salmenkaita. Hence, claim 15 is also not rendered obvious based on the cited references as the combination of the cited references fails to disclose all the elements recited in claim 15.

With regard to the rejection of the remaining claims, each of these claims depends from the independent claim and, hence, is not rendered obvious by the combination of the combination of Nykanen and Salmenkaita for at least their dependency upon an allowable base claim.

For the remarks made herein and the amendments to the claims, applicant submits that the reasons for the rejections have been overcome and respectfully requests that the rejections be withdrawn.

For all the foregoing reasons, it is respectfully submitted that all the present claims are in allowable form and the issuance of a Notice of Allowance is respectfully requested.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,

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Date: August 19, 2008

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